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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,957	04/03/2007	Brian Steer	D1150-7N	1684

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VERENIUM CORPORATION
Intellectual Property Department
P.O. Box 910550
SAN DIEGO, CA 92191-0550

EXAMINER

MEAH, MOHAMMAD Y

ART UNIT	PAPER NUMBER
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1652

NOTIFICATION DATE	DELIVERY MODE
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04/01/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lynn.linkowski@verenum.com
brian.siddons@verenum.com
lp@verenum.com

corrected
Notice of Allowability

Application No.

10/560,957

Examiner

MD. YOUNUS MEAH

Applicant(s)

STEER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to printer rush of 3/16/2011.
2. ☒ The allowed claim(s) is/are 60,91,96,108,109,111,112,162,163,173,175-178,180,181,187,189,200-204,210,211,213,221,223 and 224.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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Notice of Allowability

Applicants' amendment of 11/11/2010 is acknowledged and entered.

Claims 1, 27, 31, 34, 39 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 60, 91, 95, 96, 98, 100, 102 to 104, 106, 108 to 112, 126, 131, 141, 146, 162 to 164, 173, 175 to 178, 180, 181, 187, 189, 197, 200 to 206, 210 to 211, 213, 221 and 224 are pending.

Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement between group 278 and 2093 inventions (products and method of use of product), as set forth in the Office action mailed on, 10/05/09 is hereby withdrawn and claims 108-109, 111-112, , 173, 178, 181, 187, 189, , 203, 210 and 213 hereby rejoined. and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, and 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

In a telephone conversation with Brian W. Siddons on 1/13/2011, an agreement was reached to amend claims 60, 173, 189 and 223, and cancel claims 1, 27, 31, 34, 39 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 98, 100, 102-104, 106, 110, 126, 131, 141, 146, 164, 197, 205-206, and 222 to place the application in condition for allowance.

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Claims 60, 91, 96, 108-109, 111-112, 162-163, 173, 175-178, 180-181, 187, 189, 200-204, 210-211, 213, 221 and 223-224 will be allowed.

Examiner's Amendment

An informal Examiner's amendment to the specification appears below. This amendment is to update the current status of the prior application indicated in the first sentence of the specification.

Please amend the first sentence of the specification as follows:

This application is a 371 of PCT/US04/21492, filed 07/02/2004 which claims benefit of 60/484,725, filed 07/02/2003.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Brian W. Siddons on 1/13/2011.

Please cancel claims 1, 27, 31, 34, 39 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 98, 100, 102-104, 106, 110, 126, 131, 141, 146, 164, 197, 205-206, and 222.

Please amend claims 60, 173, 189, 223 and 224 as follows:

Claim 60 lines 36 replace – “(v) the amino acid sequence of (i), (ii), (iii), (iv) or (v)”
- with – “(v) the amino acid sequence of (i), (ii), (iii) or (iv)”-.

Claim 173 lines 4-5, - replace “of claim 60, or a polypeptide encoded by the nucleic acid of claim 1”; - with- “of claim 60;-

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Claim 189 line 8, - replace of claim 60, or a polypeptide encoded by the nucleic acid of claim 1; - with- of claim 60”;-

Claim 223 lines 1 replace –“an amino acid”- with –“the amino acid”-.

Claim 224 line 1 replace –polypeptide of claim 22,- with –polypeptide of claim 223,-.

The following is an examiner’s statement of reasons for allowance:

Applicants’ have made novel protein comprising SEQ ID NO: 38 having glucanase activity. The prior art does not disclose or suggest said protein comprising SEQ ID NO: 38 having glucanase activity. As such, the protein comprising SEQ ID NO: 38 and method of its use are novel and non-obvious. Thus, Claims 60, 91, 96, 108-109, 111-112, 162-163, 173, 175-178, 180-181, 187, 189, 200-204, 210-211, 213, 221 and 223-224 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Meah whose telephone number is 571-272-1261. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Younus Meah
Examiner, Art Unit 1652

/Robert B Mondesi/
Supervisory Patent Examiner, Art Unit 1652